

not relieve the immediate financial problem now confronting the counties in which they lie, it is believed that in the long run the counties have more to gain from the restoration of the forest to a condition productive of revenue than by allowing the present destructive process to continue.

"It should also be borne in mind in this connection that purchase by the United States of 50 per cent of the land area of a county does not necessarily mean the removal of 50 percent of the taxable property in the county, since the land tax ordinarily represents only a part of the county income and the lands purchased by the United States, which usually comprise the least valuable tracts, represent only a small part of the total land valuation on which taxes are paid.

"While it is the expressed purpose of the Forest Service to acquire these

In a loader wreck he got his start.

Judge George W. McClintic, always with the best interests of his native county and state at heart, has been giving consideration to probable effects of the wholesale buying up lands in Pocahontas County for national forests purposes. His is the acute, analyzing mind, and he readily sees there are two sides to this question of the federal government buying up lands in the country—that is to say, there are benefits and there also draw backs. In a letter to Congressman Jennings Randolph the Judge says:

“I have seen, in the public prints, that you were very much interested in the subject matter of buying up lands in West Virginia for national forests, and especially lands in the County of Pocahontas.

“I am a farm-land owner in that county, and likewise an actual farmer, and I have been paying up the loss on that farm for some time, and probably will for some time to come.

“The public prints say that the Government of the

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I am a farm-land owner in that county, and likewise an actual farmer, and I have been paying up the loss on that farm for some time, and probably will for some time to come.

"The public prints say that the Government of the United States may buy possibly one-half the total acreage of land in Pocahontas County. I do not know whether you thoroughly appreciate what this would mean for the farmers who were left and who would have to pay the taxes to keep the county running. To withdraw one-half the acreage of the county from taxation is a very serious matter. There is a county in North Carolina by the name of Swain, or Swayne, from which the Government and the Indians have taken sixty per cent of the land, and the authorities of that county have been trying to get Congress to grant some relief, under the peculiar circumstances. The matter will be up at the next session. so I am informed.

"I would most respectfully, yet earnestly, suggest to you that if this

**"Dear Brother. . . I send you a brief
account of 'The Action at
Scarey Creek'" George
S. Patton's Baptism of Fire**

By Jay Carlton Mullen

As his Union force ascended the Kanawha River in July, 1861, Brigadier General J. D. Cox was more impressed by the beauty of the Kanawha Valley than by the prospect of an arduous and protracted war. A festive mood prevailed among the troops aboard the steamboats that were conveying his army. On the steamer's decks the soldiers cheered and the band serenaded the many Union sympathizers who hailed them from homes along the Kanawha's banks. Most Federalists assumed that suppressing "the Rebellion" would be an affair of short duration. Lincoln's call for volunteers was for ninety days—sufficient time to assert federal control over the recalcitrant southern states.

The responsibility for asserting that control in western Virginia fell to General George B. McClellan who had ordered Cox to advance into the area from Point Pleasant, Ohio. Cox was encountering the difficulties common to all commanders who were endeavoring to fashion capable military units in the summer of 1861: poor organization and discipline, insufficient equipment, and little military and combat experience among their personnel. Cox commented that his Kentucky regiments, comprised almost exclusively of Ohio River laborers, were "a rough and reckless class and gave a good deal of trouble by insubordination."¹

Robert E. Lee had placed Brigadier General H. A. Wise in command of the forces that were hastily organized into the Department of the Kanawha in order to contest Cox's bid to control the area. The nucleus of the valley's Confederate forces had been the Kanawha Rifles, organized by VMI graduate George S. Patton, son of a former governor of Virginia. "Frenchy," so nicknamed because of his pointed beard, and his troops had distinguished themselves primarily as dancers and drinkers, but Cox's advance called them to meet the purpose for which they were organized.

Around Patton's contingent Wise's overall command was expanded to about 3,000 men. This approximated Cox's strength though the

¹ Robert U. Johnson and Clarence C. Boat, eds., *Battles and Leaders of the Civil War* (New York: Century, 1886), volume 1, 177.

Confederates were spread throughout the valley from Gauley Bridge to the mouth of the Coal River. Patton commanded the advance elements of Wise's force and subsequently directed the Confederate forces in the Civil War's first clash of arms in the Kanawha Valley. The official accounts of this contest at Scary Creek were written by individuals not present at the fighting. However, in a letter to his brother Patton left a participant's eye-witness account of the hostilities. This epistle, now deposited in the manuscripts collection of the Huntington Library in San Marino, California, provides interesting insights into Patton himself as well as into the nature of combat in the earliest stages of this war.²

Dear Brother—

As requested I send you a brief & imperfect account of—
The Action at Scarey Creek.
Putnam Co. Va. July 17, 1861

began the letter throughout which Patton referred to himself in the third person. It continued with Patton's description of the disposition of Cox's and Wise's forces, including the nine hundred men stationed

at the mouth of the Coal 12 miles below Charleston under Major Geo. S. Patton. Major Patton was then on the opposite side of the Kanawha River, & 10 to 12 miles below the nearest Confederate forces. The enemy had moved a column from Guyandotte which compelled Major Patton to send a large portion of his force down that road.

He then described Scary Creek, "a small mountain stream" with "rugged and precipitous banks" which empties into the Kanawha "about 2½ miles below the mouth of Coal River." Because of the proximity of the hills to the river, there was only a small strip of bottom land at the creek's mouth where a bridge was located. "Its banks were slightly wooded with trees and bushes affording some shelter."

After describing the terrain he explained his deployment tactics.

As some of the Federals advanced in force Major Patton burnt the bridge & placed a picket there. Subsequent reflection satisfied him that it was a good place for a stand as both flanks of his small force would be, in a measure, protected by the river & hills—and he gradually threw nearly his whole disposable force there.

Initial contact between the two forces was made on Sunday, July 14, when a Federal reconnaissance patrol was greeted by Patton's two six-pound artillery pieces camouflaged in the bushes across Scary Creek. He commented, "this masked battery surprised them

² "Dear Brother . . . I send you a brief account of 'The Action at Scarey Creek' . . ." 22. Box 22. Manuscripts Collection, Henry E. Huntington Library, San Marino, California. Patton's quotes throughout this article are drawn from this letter.

not a little and they beat a precipitate retreat." From his encampment downstream on the opposite shore Cox then ordered the 12th Ohio "to occupy the attention of the enemy in front of the creek."³

Patton's men remained on alert day and night until Wednesday, July 17, when his scouts reported that most of the Union troops had recrossed the river to the main Federal camp. He then withdrew his own troops to camp two miles from the creek and left only three companies at the creek to prevent a surprise. He recorded that

the [Union] army had in fact crossed the river but it was only a *ruse*, and about noon the same day the Federal commander threw over the 12th Ohio Regiment Col Lowe, a large portion of the 21st Ohio Regiment Col Norton, a section of Artillery⁴ (two 10 lb. rifled pieces) and a company of cavalry, in all about 1,500 men; with orders to march upon & rout the small force at Scarey.

When his scouts advised him of this movement "Major Patton dispersed his small force to meet them."

Messengers galloped away with orders for all of Patton's command to converge at the mouth of Scary Creek. The Major himself reined in at the battle site "just as the enemy's skirmishers deployed." A Confederate company forded the stream and occupied some buildings—a cooper shop, a country store, a stable, and some log and frame dwellings—while the Kanawha Rifles and the artillery stationed themselves on a knoll to Patton's left. "The enemy responded by deploying into line of battle on the opposite hill and bringing up his Artillery."

The action was commenced shortly after two o'clock—the first guns being fired by the Confederate Artillery . . . The action soon became general—and in a few moments the two cavalry companies arrived, were dismounted, and Capt Lewis thrown into the woods to the left to prevent a [sic] annoyance by a flanking party, while Capt A. C. Jenkins' . . . men were held in reserve.

Troops continued to arrive from Patton's rear until "about 480 Confederates" were "sustaining the attack of four times their number. And this too without entrenchments or superiority of ground." After the artillery duelled for nearly an hour the Federals charged the buildings occupied by the Confederates on the far bank but were "gallantly met and repulsed." A second charge gained momentum when a Union artillery shot directly hit one of the Confederate cannons and killed the lieutenant who was directing its fire. "The other piece was then withdrawn, Major Patton thinking to hold it for use at the worst."

³ Johnson and Bush, *op. cit.*, 128.
⁴ Through 4. 4100 hours.

Letter of . . .

Patton described the Union assault saying

our men were gradually being forced back and fell into some confusion—Sweeney still held his houses, but the odds against him forced him to fall back—

The Confederates, however, rallied to stem this attack. Although Patton modestly omitted describing his own role in this rally, General Wise reported to General Lee that when the Confederate line faltered "Colonel Patton dashed on horseback to rally his men."⁵ Perhaps Patton neglected to recount this event fully to his brother because it might have been misinterpreted. His horse became frightened and attempted to bolt from the field. Horses inexperienced in battle are no more anxious than men are to race headlong into smoking cannon and rifle barrels. Initially Patton's men believed he was cowardly abandoning the field, but he managed to regain control of his mount and reform his troops. Then, he reports

with a shout our men charged—drove them back across the creek—beyond the houses—& back to their original position. In the struggle Major Patton was severely wounded in the shoulder and was forced to retire a short distance to the rear.

Although he was removed from action by his wound, he described the arrival of additional Confederates from the rear and from the Guyandotte road. The cheering reinforcements "baffled" the enemy who "broke and fled in the utmost confusion. Pursuit was impracticable as Cox's whole army was only 4 miles to the rear, our ammunition nearly exhausted, and our little band satisfied with the issue of the unequal contest."

In fact, Patton's conclusion was in error. After he was wounded his troops panicked a second time and Captain A. G. Jenkins, the cavalry officer holding his company in reserve, again rallied the men. Then, as reinforcements continued to arrive, they advanced against the Federals to rewin their previous position and to capture a Union colonel unable to retreat because of his wounds.

His battle statistics were exaggerated. He recorded

The Confederate loss was 3 killed and 9 wounded of which two died of their wounds. The yankees left 12 or 15 dead on the field, but by their own confession their loss was not less than 200 killed and wounded.

In his official report Wise listed two Confederates killed and two wounded. His report of 30 dead Federals contrasts with Patton's estimate of 200 dead and wounded.*

* *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington: Government Printing Office, 1880), Series 1, volume 2, 326-32. All subsequent quotations by Generals McClellan and Wise are from this source.
* *Littell's Fugate, Patton: Ordeal and Triumph* (New York: Orlensky, 1903), 46.

The Union battle statistics were revised as the result of a bizarre incident after nightfall. Some Federal officers set about to examine personally the scene of the day's hostilities. They "amused themselves by a reconnaissance beyond the pickets," General McClellan reported, and they were captured.⁷ Patton's description of the incident is more elaborate than McClellan's.

Late in the evening Col Woodruff of the 2nd Kentucky—Col de Villiers of the 11th Ohio—Lt Col Neff—two Captains of the 2nd Kentucky, who strong in their faith of Yankee invincibility, and knowing our weak numbers—had ridden up to see the "rebels crushed," were captured, & spent many months in the "Libby."

The Libby was a warehouse in Richmond where Union officers were imprisoned.

Patton's initiative at Scary Creek stalled the Union invasion. "Cox checked on the Kanawha," McClellan tersely recorded. He sarcastically pronounced the action to have been "something between a victory and defeat," and he commanded Cox to advance no further while he threatened the Confederate rear himself with a flanking movement directed from the northwest toward Gauley Bridge. Disgusted with his subordinates he requested, "In heaven's name give me some general officers who understand their profession." McClellan's antagonist, Wise, reported the affair as "a glorious repulse of the enemy, if not a decided victory." Patton recorded these conclusions about the battle:

The affair is chiefly remarkable as being fought so early in the war, against such odds of numbers and arms (for be it recollected we never had over 400 actually engaged, & they chiefly with mountain rifles & "flintlocks") and almost in sight—certainly in full hearing of Cox's whole army. These mountain men with—in many instances cartridges in their pockets, just organized & underdrilled—whipped 4 times their number of armed and disciplined Yankees & put them to a shameful and disgraceful flight—In the open field they met them face to face and conquered.

Subsequent events proved that the Confederate success at Scary Creek was of little strategic importance. Though Cox was stalled, McClellan's movement threatened Wise's flank and rear and forced the Confederates to withdraw from the Kanawha Valley to Greenbrier County. Patton himself observed that "the unfortunate course

⁷ It is highly likely that the Junior Patton read this letter containing his grandfather's account of the battle at Honey Creek. Prior to its deposit in the Huntington Library it was in the Patton family's possession at their home adjacent to this library in San Marino. This is where the Junior Patton was raised, and with interests in both military history and his grandfather's career it would be surprising if he had not read the letter. Whether or not he realized that his grandfather preferred to advance and fight after having been ordered to "retire gradually" is a matter of conjecture.

of events in the Northwest robbed us of the legitimate fruits of victory & Wise was compelled to fall back, to secure communications."

In the perspective of history the strategical insignificance of the Battle of Scary Creek has understandably caused it to pass unnoticed. Measured against Antietam, Fredericksburg, Gettysburg, or Shiloh, of what consequence is a brief check in the Union advance up the Kanawha? But not only has Scary Creek passed unnoticed in history, it passed unheralded at the time. The accounts of Patton's success on the Kanawha arrived in Richmond at the same time as the news of the Confederate victory at Bull Run. Consequently, as Patton suggested, Scary Creek "excited scarcely passing attention." He closed his letter to his brother saying

It is now forgotten, except by those who first met the enemy, and who still talk of "Scarey" around their campfires.
Geo S Patton

If Scary Creek was of so little importance or interest either at that time or to later historians then why should it be of interest after over a century? Of course this sparsely documented battle should be of interest to all West Virginians who care about their state's past—its battles and its sons who fought those battles. But it may also have interest extending beyond the borders of West Virginia.

In his official report Wise recorded

I had ordered Col Patton to retire gradually from Scarey Creek . . . But when Norton approached he returned to Scarey Creek and met him and his 1,200 there with 800 men and two iron sixes.

Though ordered to withdraw, Patton preferred to advance and engage the enemy. He has not been the only Patton to welcome combat.

In *Patton: Ordeal and Triumph*, a biography of World War Two's celebrated George S. Patton, Ladislav Farrago maintains that "Patton's grandfather and namesake" was "his inspiration" and "his idol after whom he strove to pattern himself." The initiative that the senior Patton displayed in ignoring orders to retreat and advancing instead to Scary Creek to meet the enemy could indeed have been an inspiration to his idolizing grandson. If this was part of the pattern the grandson strove to fit then he was eminently successful, for advancing to meet the enemy was the junior Patton's outstanding military characteristic. So perhaps when the Americans in George S. Patton's 3rd Army flooded across Europe in 1944-45, the headwaters of a small tributary in that flood might be traced to West Virginia at the mouth of Scary Creek on a July day in 1861.

George Washington in West Virginia*

By Leona Gwinn Brown

Today's traveler in the Ohio Valley sees in its broad river bottoms a vast panorama of industry. The landscape is a series of sprawling factories, whose proud smokestacks seem to typify the greatness of the names for which they stand: names such as Olin Revere, Kaiser Aluminum, DuPont, Koppers, Westinghouse, American Cyanamid, and Carborundum. For the Ohio Valley's rich resources, its salt deposits, its abundant water, level land, and above all its reserves of labor, are now bringing West Virginia to her rightful place in the nation's economy.

Two industries which have come to the Ohio Valley in recent years are of especial interest to West Virginians. One of these is Kaiser Aluminum and Chemical Corporation's giant sheet aluminum plant at Ravenswood. The other is Carborundum Metals Company's plant at Parkersburg, which will produce zirconium and hafnium, vital in the manufacture of atomic reactors. These two plants are of historical as well as future interest. The town of Ravenswood, now growing beyond the wildest dreams of its citizens, lies on land that once was owned by George Washington. At Parkersburg, on the land known as Washington's Bottom, a giant oak, which has stood since Washington's day, may be felled to make way for the buildings of Carborundum.

How different was the Ohio Valley when George Washington, with his friends, Doctor James Craik and William Crawford, and their servants first visited it in the autumn of 1770. There was no sound of industry; the stillness was broken only by the splash of water against the canoes, the calls of birds or animals in the forest, the voices of the men in the canoes, or the occasional burst of fire from one of the guns as they hunted the plentiful game along the shore. The travelers must have exclaimed at the beauty of the virgin forest, now, in October, at the peak of its autumn glory. The river, as yet unhampered by floodwalls, dams, and locks, must have presented an ever-changing vista of beauty as they traveled down it.

*This article won the 1957 Award of \$100.00 offered by the West Virginia Society of the Sons of the American Revolution.

George Washington was unaware of many of the resources of the land he saw on either side of the river—the oil and natural gas, the coal under the hills to the East, and the salt wells so important to industry today. But he was impressed by the richness of the forests and the fertile bottom lands. In an advertisement in the *Virginia Gazette*, the *Maryland Journal*, and the *Baltimore Advertiser* of August 20, 1773, he describes these lands in the following glowing terms:

As these lands are among the first which have been surveyed in the part of the country they lie in, it is almost needless to premise that none can exceed them in luxuriance of soil, or convenience of situation, all of them lying upon the banks either of the Ohio or Kanawha, and abounding with fine fish and wild fowl of various kind, as also in most excellent meadows, many of them (by the bountiful hand of nature) are, in their present state, almost fit for the scythe.

The purpose of this advertisement was to attract settlers to his lands along the Ohio and Kanawha. He acquired over twenty thousand acres of land along these rivers.

The country west of the mountains had interested George Washington since the time when, as a lad of sixteen and the protegee of Lord Fairfax, he had been allowed to accompany a surveying party, which was attempting to fix the boundaries of the Fairfax lands, across the mountains into what is now West Virginia. Here the young Virginia gentleman had his first contact with the frontier. The frontier settlers were, for the most part, a rough and uncultured breed. Often they had left extreme poverty in Europe, and were proud and happy to have even a rough cabin of their own. Their customs were adapted to frontier conditions, where there were no luxuries and few comforts. To the son of a wealthy plantation owner, their ways seemed strange indeed, and it is amusing and enlightening to read young George's account of his adventures in his own words:

We got our supper and was lighted into a room and I not being so good a Woodman as ye rest of my Company striped myself very orderly and went in to ye Bed as they called it when to my Surprise I found it to be nothing but a Little Straw matted together without sheets or anything else but only one thread Bear blanket with double its weight of Vermin such as Lice, Fleas, &c. I was glad to get up (as soon as ye Light was carried from us) I put on my Cloths and lay as my Companions. Had

we not been very tired I am sure we should not have slept much that night I made a promise not to Sleep so from that time forward chusing rather to sleep in y. open air before a fire as will appear hereafter.

Two days after George wrote this in his diary, he recorded that they had reached Frederick town and that he had bathed himself, thus getting "Rid of y. game we had caught y. night before." Then in November, 1749, he reveals in a letter another picture of frontier life, as follows:

since you receide my letter in October Last I have not slept above three Nights or four in a bed but after walking a good deal all the Day lay down before the fire upon a Little Hay Straw Fodder or bairskin whichever is to be had with Man Wife and Children like a Parcel of Dogs or Catts and happy's he that gets the Birth nearest the fire.

George Washington was later to learn the ways of the frontier and to respect the hardy, though uncultured people of West Augusta (for so this section of Virginia was called in those days), and, as a mature man, a general who had observed their bravery in the French and Indian War and the American Revolution, is reported to have said: "Leave me but a banner to place upon the mountains of Augusta, and I will rally round me the men who will lift our bleeding country from the dust, and set her free!"

On February 19, 1754, Governor Dinwiddie of Virginia issued a proclamation promising that two hundred thousand acres of land along the Ohio River would be laid off and granted to those men who would enlist in the army and help to defend the frontier. After the close of the war, George Washington was visited almost daily by men who had served under him and who looked to him, as their former commander, to help them claim the land which had been promised in the proclamation. The execution of the terms of the proclamation, and the actual granting of the lands, was now opposed by many interests, among them the British government, the Virginia Assembly, and various land companies which hoped to gain title to the lands. George Washington was interested in helping the former soldiers claim their lands, and hoped also to attain some of them for himself, for he was a forward-looking business man, and had heard from various travelers returning from the West of the richness of the lands.

Two letters, one from George Washington to his friend William Crawford, September 21, 1767, and the other to his brother Charles, January 31, 1770, reveal his personal interest in obtaining these lands. Some modern historians, chiefly on the basis of these letters, have criticized him for his activities in acquiring such large quantities of land, calling him a speculator and "land-grabber." But Washington, who was a good manager and a successful farmer, saw that if these lands were cut up into small parcels and distributed to people who might have very little interest in developing them, much of their great value would be dissipated. Therefore, as he wrote to Edward Graham in 1798, he "bought and exchanged until I got entire tracts to myself". He explains in the same letter that the "burthen" of obtaining these lands under the proclamation of 1754 "were thrown upon me nor have the latter been reimbursed to this day". He did not obtain his lands dishonestly, but, as he says, bought and exchanged, and any of the officers and men who had claims to the land might have done the same, had they so desired. The ability to strike a bargain, to look to the future and to "buy cheap and sell high" has never been in disrepute in the American society; in fact, it has contributed to the wealth of the country, where it has been rightly used.

George Washington believed in developing his land to the full. He was among the first of the "gentleman farmers" of Virginia to put into practice the more modern farming methods, such as crop rotation and the use of animal manures, clover, and crushed limestone on the Mount Vernon estate. Had he not been prevented by the events of history, it is fairly certain that he would have developed his western lands "to an extensive public benefit, as well as private advantage." If George Washington's plans had been carried out, the whole history of West Virginia might have been different.

Because of his interest in the western lands, George Washington, in October, 1770, began his trip to the Ohio Valley. His friend, Doctor Craik, went with him, and they stopped at the home of William Crawford, who had served with Washington in the French and Indian War. Crawford joined the party, and they continued over General Braddock's Road to Fort Pitt (now Pittsburgh). Here, at the home of Colonel George Croghan, Washington met the White Mingo, a chief of the Six Nations,

who welcomed him to the West and presented him with a string of wampum as evidence of good faith and friendship.

On Saturday, October 20, the party embarked in canoes and began the journey down the Ohio River. Undismayed at the reports they heard at Mingo Town, an Indian town on the Ohio side of the river, that two traders had been killed by Indians some miles below, they continued past "Weeling on Split Island Creek," which passes through present day Wheeling, West Virginia. Some miles below they passed through another Indian village, where they learned that the traders had not been killed by Indians, but had drowned attempting to cross the river.

Fortunately for posterity, George Washington kept careful diaries of all his travels, and on this tour of the Ohio he prepared a "table of distances" which makes it very easy for historians to follow his journey and connect the places mentioned in his accounts to the locations of present towns and cities.

At the mouth of Pond Creek, the party stopped so that Washington might pay his respects to Kiashuta, a chief of the Six Nations, who had accompanied Washington on his mission to the French in 1753, and whose people were now encamped here. The Indians put on such an elaborate ceremony for the benefit of the travelers that they were delayed here for several days.

On October 31, the party reached the junction of the Ohio and the Great Kanawha. The next day they went about ten miles up the Kanawha; the next, about four miles further. They were now a mile above the mouth of Fourteen Mile Creek, about forty-six miles below the present site of Charleston, West Virginia. About this country, now so densely populated, Washington wrote:

This country abounds in Buffalo and wild game of all kinds, as also in all kinds of wild fowl, there being in the bottom a great many small grassy ponds or lakes which are full of swan, geese, and ducks. Some of our people went up the river four or five miles higher, and found the same kind of bottom on the west side and we were told by the Indians that it continued up to the Falls, which they judged to be 50 or 60 miles higher up.

Here the party camped for the night. The next day they turned back downstream. At the river's mouth, Washington

began to mark out the lands he hoped to attain, describing them as follows:

We set off down the river on our return homewards and encamped at the mouth; at the beginning of the bottom above the junction of the Rivers and at the mouth of a branch of the East side I marked two Maples, and an Elm and Hoopwood tree as a corner of the soldiers land (if we can get it) intending to take all the bottom from hence to the rapids in the Great Bend into one survey—I also marked at the mouth of another Gut lower down the west side (at the lower part of the long bottom) an Ash and Hoopwood for the beginning of another of the Soldiers Survey to extend up so as to include all the bottom (in a body) on the west side.

On Sunday, November 4, the party began the long journey up the Ohio. Traveling up the river was somewhat more difficult than coming down. The Ohio was swollen by rains, and progress was so slow that they sent an Indian on ahead to arrange to have horses ready for them at Mingo Town, so that they could continue on to Pittsburgh by land. After a long journey with many delays, Washington finally reached Mount Vernon. His trip to the Ohio Valley had taken nine weeks and one day.

George Washington planned to return to the Ohio Valley in 1773, to begin the actual surveying of the lands. This year, however, was one of sadness at Mount Vernon. Martha Washington's daughter, whom George Washington affectionately called "Patcy," died during the summer of that year. Captain Crawford went on to survey the western lands, hoping that Washington would join him later.

In 1774 Crawford wrote: "We have built you a house on your land opposite the mouth of Hocking." George Washington never lived in this house; but a man named Lewis later bought the tract of land and found on it a cabin, presumed to be the house to which Crawford referred. This cabin was still standing at the close of the Civil War. The tract of land which Crawford cleared here is still called Washington's Bottom. On exhibition in the collection of the Daughters of the Pioneers in Parkersburg is a section of a tree blazed by William Crawford in marking off this land.

James Cleveland, an employee of George Washington, was sent with a group of indentured servants, in 1775, to build a

settlement on Washington's land near the junction of the Ohio and Great Kanawha Rivers. Cleveland built several cabins and planted "near 2000 peach stone cornols" on the land, despite the great difficulties he faced. The servants he took with him were "the porest set of hands I ever saw." Perhaps these men, who had agreed to voluntary servitude to pay their passage to America, saw at least a chance for freedom; perhaps they were badly treated by Cleveland; perhaps they preferred to take their chances in the forest rather than starve, for they had lost some of their provisions on the way down the river and food was in short supply. They continually tried to escape, and poor Mr. Cleveland's time was taken up with pursuing the servants, rather than with hunting or clearing the land. In desperation he wrote: "I am building a house to lock them in of nights as there is no other way to keep them till you come out and see what is to be done." He repeatedly begged George Washington to come in person to supervise the settlement "if the affares of America" would permit.

"The affares of America" did not permit. In 1775, the Second Continental Congress asked George Washington to take full command of the forces to defend the colonies, and from that time until the Revolution ended he had very little time for personal interests. The George Washington who was respected even by Indians, who was able to train ragged frontiersmen into an army strong enough to face the British, and who was able to keep a force of men together even through the terrible winter at Valley Forge, might have been able to persuade Cleveland's "redemptioners" to stay and work out their own salvation on the land. If he had, West Virginia's development might have begun at a much earlier date. But that is only a matter of conjecture.

In addition to his hope for the settlement and development of the West, George Washington had another dream which, if it had been fulfilled, would have had a tremendous effect on the history of the state. He hoped that East and West could be bound together by an inland waterway connecting the Potomac with the Ohio, and perhaps extending even to the Great Lakes. Such a waterway would have directed trade from the West toward the East, rather than toward the Mississippi.

It was to investigate the possibility of such a canal that Washington, in 1784, again visited what is now West Virginia. Accompanied by Doctor Craik, he set out up the Potomac. At Berkeley Springs, his diary reveals, he "was showed the Model of a Boat constructed by the ingenious Mr. Rumsey, for ascending rapid currents by mechanism." This must have been encouraging to one interested in transportation on the inland rivers.

The travelers had originally intended to re-visit the Ohio Valley on this trip, but at Simpson's, on the Youghiogheny, they heard rumors of fresh Indian troubles on the Ohio and Great Kanawha, and so decided to return home. But George Washington believed there was some possibility that the Potomac might be connected, by means of a canal, with the Cheat River or the Monongahela. Therefore they turned southward from Beason Town (now Uniontown, Pennsylvania) and camped that night at the mouth of the Cheat. Next morning they went to the home of the Monongalia County (Virginia) surveyor, Samuel Hathaway, on Pierpoint's Hill, about five miles from Morgantown. Here he met Zackquill Morgan, the son of one of the first settlers of this section. He discussed with Morgan his hopes for connecting the Cheat with the Potomac; but he learned that the Cheat was obstructed beyond Dunkard Bottom, and that navigation would not be practicable.

Washington and Doctor Craik then re-crossed the Cheat and rode across Cheat Mountain to Bruceton Mills. From here they turned Southeast, stopping on the North and South Branches of the Potomac to visit Abraham Hite, Colonel John Neville, and others, and finally returning to Mount Vernon. George Washington's dream of a canal was also to go unfulfilled. As President of the United States, he was soon to be concerned with more pressing matters.

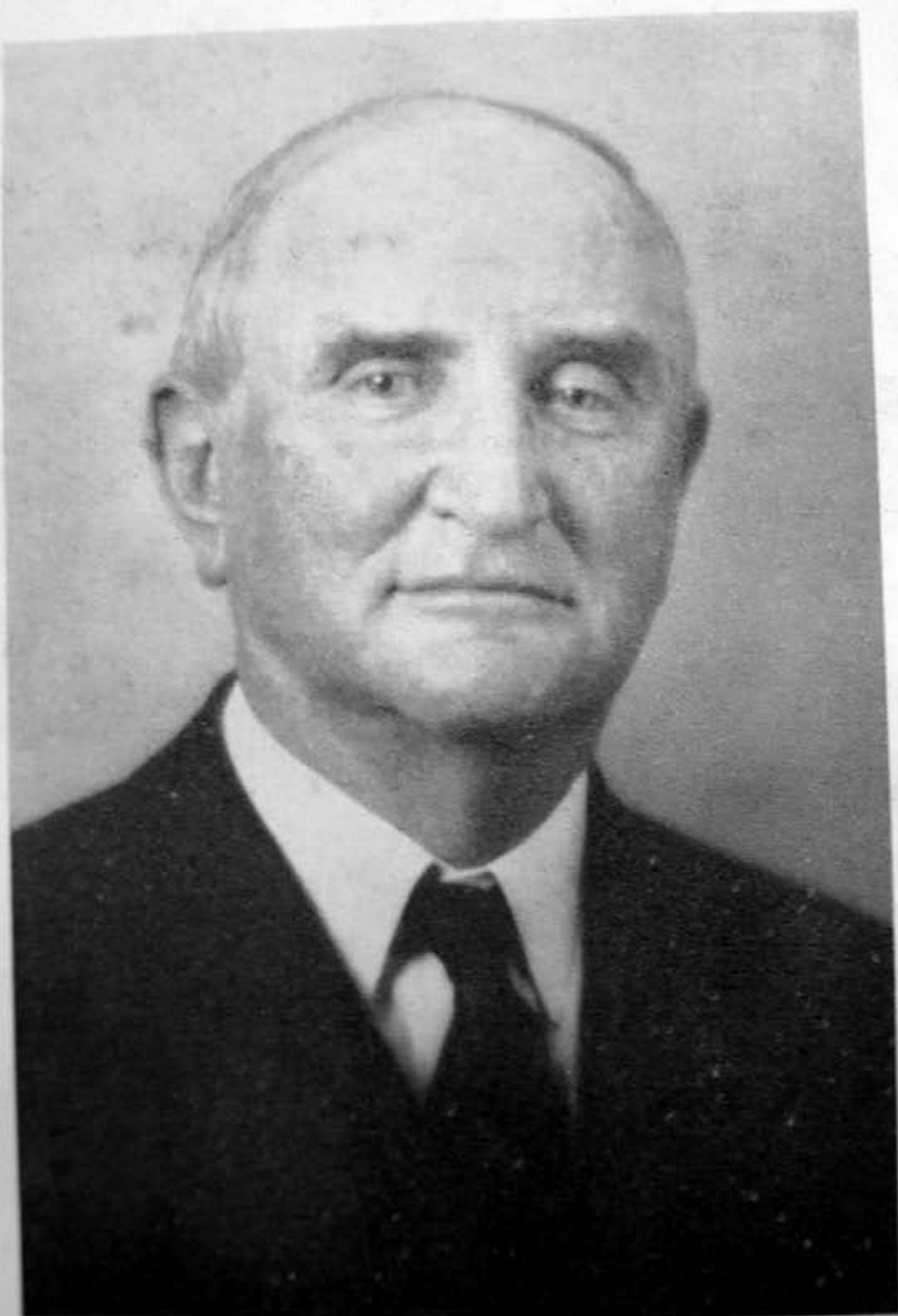
The frontier of George Washington's day has long since moved on. No longer are the virgin forests, the serene, untraveled rivers, the vast stretches of uninhabited land a part of the West Virginia scene. Those who came after George Washington were often not so wise as he in the management of their possessions. Too often West Virginia's forests have been recklessly cut and burned over, the forest animals needlessly

slaughtered. For too many years much of the formerly fertile land has been carelessly or ignorantly farmed, leaving it worn and useless. Too often West Virginia's wealth of natural resources has been exploited by those who gave nothing in return to the state from which their profits were taken. Too many of West Virginia's people, unwilling, like James Cleveland's "redemptioners," to stay and work for their own good and that of the state, have gone where the prospects are brighter.

Although the wilderness frontier has vanished, other frontiers remain for West Virginians to conquer. There are frontiers in industry: new industries to be attracted to the state which will build security for the people and develop the areas where they build, as Kaiser Aluminum is doing at Ravenswood. There are frontiers in science: new uses to be discovered for West Virginia's natural resources. Such work is now in progress at the Appalachian Experiment Station of the United States Bureau of Mines, near Morgantown. There are frontiers in education: children to be trained for future citizenship. There are frontiers in agriculture: the land and forests may still be managed to produce goods and foodstuffs for the nation.

In the last analysis, the development of all these frontiers depends now, as it did in Washington's day, upon the people. West Virginia needs her teachers, her miners, her scientists, her engineers, her businessmen, her farmers—all those who have something to contribute to and something to gain from the state. If the qualities exhibited by George Washington—a shrewd business sense, good management, civic responsibility, self-respect, leadership, and faith in the future—still exist in the character of the people of West Virginia, her problems can be solved, and she will continue to rise in prestige and pride to become a leader among the states.

THE
GREAT BRITISH
MUSEUM



George Warwick McClintic



In the District Court of the United States for the Southern District
of West Virginia at Charleston

In Memoriam
George W. McClintic

Present:

Hon. Harry E. Watkins, Judge of the District Courts of the
United States for the Northern and Southern Districts of West
Virginia; and

Hon. Ben Moore, Judge of the District Court of the United States
for the Southern District of West Virginia.

PROCEEDINGS

Thursday, November 12, 1942
2:00 o'clock P. M.

THE COURT (Judge Watkins): We are meeting in special
session of this court today for the purpose of presenting memorials
to the Honorable George W. McClintic, veteran judge of this court.
I recognize now A. Guy Stone, President of the Charleston Bar
Association.

Remarks of
A. GUY STONE, President
Charleston Bar Association

May it please the Court, members of the Bar and guests:

We of the Bar are here today to write the final pages in the record of our appreciation of the character and services of Judge McClintic.

Judge McClintic's life on the bench almost exactly spans the period of my experience at the bar. To me, therefore, the judge and this court for many years were one and the same.

It is natural that we should identify our institutions with the personalities of the individuals who direct them. Judge McClintic was not long on the bench before his personality and that of the court became so identified. Neither suffered in the process.

Under his tenure the bar and the public came to know this court as an institution of superlative integrity and fearlessness and intensely devoted to the basic principles of our constitutional democracy. That is the record which will endure long after our time and long after the pages of our memorials have yellowed with age.

To insure that future actors in this court will have some idea of the esteem in which Judge McClintic was held by those of his own day, those who were privileged to know him and to serve under his guidance, we have had prepared and offer as a testimonial of our permanent affection and respect the portrait which is to be dedicated today. Miss McClintic, we are honored by your participation in this ceremony and we ask you, on our behalf, to draw aside the curtain from the portrait of your father.

(Thereupon Miss Elizabeth McClintic, daughter of the Honorable George W. McClintic, unveiled the portrait of her father, which had been painted by Mrs. B. E. Barnes.)

MR. STONE: Your Honors, I have the honor to present the portrait of Judge McClintic to the Bench and Bar of Southern West Virginia.
Thank you.

THE COURT (Judge Moore): Mr. Stone, the Court accepts this portrait of Judge McClintic, and we thank the Bar Association for its thoughtfulness in making the presentation and express our appreciation to the artist for having prepared such a splendid portrait. It will be hung on the walls of the court room along with the portraits of the distinguished predecessors of Judge McClintic, and it will help the judges who sit on this bench, the lawyers who practice in this court, and the public generally to keep fresh in their minds the memory of this great judge and good man who for so many years was the presiding judge of this court.

Remarks of

HON. HARRY E. WATKINS

United States District Judge

The subject of a famous lecture was "The Numerals." The author pointed out that numerals declared distances, calculated values and determined weights. But, says the author, the real worth of numerals is not understood until they measure the years of life of a noble man.

I would like to voice something of my estimate of this man for whom I held a genuine affection, and whom it was my privilege to have had as a friend. As I deeply valued that friendship during his life, so shall the memory of that association be to me a benediction always.

This community, state and nation has had removed from participation in its affairs a jurist of recognized ability, who wore the ermine of his office through years of service in this court, and relinquished it unsullied to his successor.

The forum of the court room was where he experienced his greatest pleasure. He loved his work and willingly assumed his share of the business in this district, even after his retirement. He believed in the language of former Chief Justice Hughes, that "Work condemns a man to perpetual youth." He was loved and honored as a "Gentleman of the Old School."

He died September 25, 1942. Thus ended the career of a patriotic citizen, a great lawyer, an able and courageous judge.

I have known Judge McClintic for many years, but it was not until after I became a member of this court that I learned to know him intimately. As a novice jurist, questions sometimes arose which I desired to discuss with someone. I soon found that I could talk with Judge McClintic freely, confidentially, if need be, upon most any subject. His vast fund of general knowledge, his familiarity with fundamental principles of law, and the reasons for them, their history and their purposes, usually enabled him to suggest an answer to the question or a solution of the problem which bothered me. He met me on my level and discussed problems from the viewpoint of my limited knowledge and experience. I enjoyed visiting with him, and to hear about law questions and courts, lawyers of the past and present, and his experience as a judge. Abstract systems of law had no appeal to him. He never tried to fit the conduct of the litigants into some well-recognized pigeonhole or groove of law. In his approach to a case he became familiar with the facts and then reached into the realm of legal principles and chose one or more, which, when applied to the facts, would produce just and beneficial results, just as a skilled mechanic would reach into his tool box for a tool made for the specific work at hand.

His clear eyes were not misled by sophistries, however expressed in fervid rhetoric.

He enjoyed talking to people and spent hours in his office hearing the troubles of others. The poor and unfortunate found in him an honest, sympathetic and courageous representative, and their confidence was never misplaced.

Judge McClintic perfectly typified strength. Massive and rugged in face and form, great in mind and pure in heart, he was strength in its best human personification. His high place in the history of this court is secure. He was a great Judge and he was a great American.

He is gone, and while the west is still aglow with his radiance, it is well for us to pause and take count of our own selves. His life has a lesson to teach us, if we care to stop and learn.

Great in intellect, noble in nature, true in friendship, courageous in life, we present him in this memorial which inadequately portrays his virtues. In the language of Miranda in Shakespeare's *Tempest*: "How beauteous mankind is; O, what a brave new world that had such people in it."

Remarks of
HON. BEN MOORE
United States District Judge

In speaking of Judge McClintic, it is not easy to find words with which to express what I would like to say.

He was an example of the great truth that what we say—perhaps even what we do—is subordinate and secondary to what we are. Judge McClintic was the embodiment, the incarnation, of certain great qualities, certain traits of character, that are too rarely found among men.

He was honest to the point of ruthlessness. He never hesitated to express his convictions, whether they were popular or unpopular—whether he made friends or enemies by doing so. He had the moral courage which is an essential attribute of a great judge.

Judge McClintic had little of the petty pride or "insolence of office" which sometimes results when power is given into the hands of him who has not learned to exercise it with humility and moderation. He was not unconscious of the power of his office, and he did not hesitate to use this power to the full as occasion required; but the judicial robe gave him no feeling of superiority or pompousness. He remained to the last a simple and unpretentious man of the people.

No one who wished to talk with Judge McClintic was ever denied that privilege. To lawyer or litigant, juror, convicted criminal, friend or enemy, the door of his chambers was never closed. He said to me many times that if a judge is not able to talk freely with any and all persons and still preserve his integrity and free judgment, he is not fit to be a judge.

Judge McClintic wasted no sympathy on the confirmed and deliberate criminal; but I can testify that his feeling of compassion for those who are led into crime by poverty and misfortune was genuine and deep. He fashioned the probation system into a most efficient and successful means of administering justice through rehabilitating rather than imprisoning those men and women who are proper subjects for such treatment.

I owe much to his counsel and wise advice. It is with a feeling of almost filial affection that I offer this tribute to his memory.

THE COURT (Judge Watkins): Mr. Fred O. Blue will present the memorial of the Charleston Bar Association.

Memorial of
THE CHARLESTON BAR ASSOCIATION

Presented by
FRED O. BLUE, Esq.

Again The Charleston Bar Association is called upon to pause to record the passing and to pay tribute to the memory of one of its distinguished members. George Warwick McClintic, for many years an active member of the bar of this state and for the last twenty years of his life Judge of the District Court of the United States for the Southern District of West Virginia, departed this life on the 25th day of September, 1942. He was one of the charter members and founders of this Association, as well as an active member of the West Virginia and American Bar Associations.

Judge McClintic was born at Mill Point in Pocahontas County, West Virginia, on the 14th day of January, 1866. His education was acquired in the public schools of his native county and at Roanoke College, from which he graduated with a degree of A. B. in 1883. He graduated from the College of Law of the University of Virginia in 1886. After a brief interval spent in the west, he came to Charleston and in 1888 formed a partnership in the practice of the law with the late Wesley Mollohan, of which William Gordon Matthews later became a member. Upon the death of Mr. Mollohan in 1911, J. Edgar Campbell became a member of the firm of McClintic, Matthews and Campbell, which continued until Judge McClintic went on the bench in 1921. From the time he began his practice here until he was appointed to the office of Judge of the District Court of the United States for the Southern District of West Virginia, Judge McClintic was one of the most active practitioners of the state. During this period the firms of which he was a member were constantly engaged in many important controversies in the courts of West Virginia, both state and federal, and Judge McClintic contributed in full measure to their successful activities. At the bar he was recognized as a courageous and successful advocate and a wise and careful counsellor.

Notwithstanding his professional engagements he accepted election to the House of Delegates of the West Virginia Legislature for several terms and became a recognized leader of the activities

of that branch of the Legislature. He had an active part in drafting and enacting many statutes, now found in our Code, dealing with matters of public interest. It was while a member of the House of Delegates that his outstanding ability as a lawyer came to the attention of the late President Harding, who appointed him to the District Judgeship in 1921. He brought to the federal bench the experience of a lawyer with many years of active practice, the seasoned judgment of a legislator and above all an understanding of the people of his district such as is given to but few judges. The facility with which he discharged the duties of District Judge during the twenty years of his incumbency made him one of the outstanding District Judges of the United States. His familiarity with the conduct of the business of the District Court was such that he became an authority upon matters of practice and procedure and was constantly called upon for counsel and advice at meetings of bar associations and other gatherings where such matters come under discussion. The Year Books of the West Virginia Bar Association contain a number of valuable papers contributed by Judge McClintic. Notable among these is his address on "Fifty Years at the West Virginia Bar," delivered at the Wheeling meeting in 1936. He was an active participant in the annual meetings of the Judicial Conferences of the Fourth Circuit, held at Asheville, North Carolina. In June, 1941, he delivered an address before this Conference entitled "Fifty Years of the Circuit Court of Appeals," in which, after reviewing the formation of that court under the Act of March 3, 1891, he gave brief sketches of the lives of all the judges who had sat upon the Circuit Court of Appeals for the Fourth Circuit (except the judges then living), all of whom he had known. This address, subsequently printed in pamphlet form, was instantly recognized as a masterpiece in the field of legal literature and biography, holding a well deserved place as a legal classic in the libraries of lawyers and judges of the Fourth Circuit.

Judge McClintic's experience in being called upon to administer the harsh penalties of the criminal law in numerous cases where he conceived the defendants to be more unfortunate than vicious caused him at an early day, before the passage of the present federal probation act, to devise and use a system of probation under which he gave to many a first offender the opportunity to repent and become a useful citizen instead of having the stigma of a prison term

attached to his name. Thus it was that Judge McClintic became the founder of probation as later established in the federal courts by act of Congress and as now applied by practically all the courts of the land. An address upon probation delivered by him before the Judicial Conference of the Fourth Circuit was published in the American Bar Association Journal and immediately recognized as the outstanding treatise upon this important development in the field of criminal law.

Limits of time and space do not permit a detailed review of the many important cases in which Judge McClintic figured during his career at the bar and on the bench. It may accurately be said of him that he met the duties of both positions with a courage, vigor and intelligent conception which may well furnish example for emulation by future lawyers and judges.

He had a remarkable memory. His knowledge of local history was encyclopedic. Not only was he steeped in the political history and lore of his native state, but he knew intimately the stories of its prominent families and citizens. We know of no other man in the State of West Virginia who had as broad an acquaintance with its citizenship as Judge McClintic.

He had a deep insight into human nature and character, a gift which was of inestimable assistance to him in administering the discretionary powers of the court in granting probation or imposing punishment. Judge McClintic was by some considered stern in the conduct of his office. The fact is that while he possessed the sternness and inflexibility which must be characteristic of every righteous judge, he also had a keen sympathy for those who deserved it, and his power of discrimination in this regard was truly amazing. He was always more ready to extenuate than to punish. In fact, next to his unflinching courage, his outstanding trait was a warmth of heart and kindly tenderness for the women, the young and the first offenders brought before him for violation of federal statutes at every term he held.

It is always difficult to record the personal side of a strong and complex nature. In one aspect Judge McClintic was typically a rugged individualist. In his long term on the bench he never trimmed a sail to any gale of popular demand or bowed to either censure or approval. Witness his unflinching enforcement of the unpopular prohibition laws while the Eighteenth Amendment re-

maintained part of the Constitution he had sworn to support. Recall also his preservation of law and order in the coal mining fields of southern West Virginia at great personal peril during the stern days of the armed march. Of the same pattern were his ancestors and those others who made this country what their sons are now fighting to preserve.

But there was another side to him. In his personal relations with his family and friends he was an interesting raconteur and an engaging companion. He had a deep inherited love of his native Pocahontas and its sturdy people. The pioneer spirit of his forefathers was strong in him. For half a century his short vacations were mainly spent in camps in the Pocahontas country which in the earlier years could be reached only on foot or by packhorse. It is literally true that he knew and loved every mountaintop and water course of this "shaggy-breasted motherland that bore him." He was a welcome visitor in the cabin of the mountaineer. Neither the honors which later came to him nor the duties of high position ever abated his love of his native county and its people,—an affection which was returned in kind.

The life of Judge McClintic from the time he entered into the practice of his profession until a short time before his death was one of constant ceaseless labor. His career at the bar, in the halls of legislation and on the bench well expressed the philosophy of work. In the evening of his life when time and circumstance seemed to unite to present an opportunity for retirement and the enjoyment of ease and freedom from the arduous labors of the bench, he declined to take advantage of the opportunity but continued to exercise his faculties in the administration of his office to the full extent of their vigor until a short time before his death.

In the passing of Judge McClintic the bench of the United States loses a distinguished member; the Bar of West Virginia is deprived of an example of vigorous and courageous work; and his family and friends lose a companionship impossible to replace.

Pursuant to the instructions of The Charleston Bar Association the undersigned committee will present copies of this memorial to the family of Judge McClintic and to the District Court of the United States for the Southern District of West Virginia, the

Supreme Court of Appeals of West Virginia and the Circuit Court
of Kanawha County.

HAROLD A. RITZ
ROBERT S. SPILMAN
FRED O. BLUE
HOMER A. HOLT
A. S. ALEXANDER

Charleston, West Virginia
October 6, 1942.

THE COURT (Judge Watkins): Many friends and members
of the Bar from Huntington are here today. Mr. Herbert Fitzpatrick
will present the memorial of the Cabell County Bar Association.

Memorial of

CABELL COUNTY BAR ASSOCIATION

Presented by

HERBERT FITZPATRICK, Esq.

At a meeting of the Executive Committee of the Cabell County
Bar Association the following memorial was presented by the com-
mittee formerly appointed, consisting of Herbert Fitzpatrick, Harry
Scherr and J. J. N. Quinlan, members of the Bar Association of
Cabell County.

Upon motion, the memorial was unanimously adopted and
ordered to be certified by the president and secretary of the Cabell
County Bar Association and presented to the memorial meeting
called for Charleston, West Virginia, Thursday, the twelfth day of
November, One Thousand Nine Hundred and Forty-two.

IN MEMORIAM

George Warwick McClintic, admitted to the practice of law in
Charleston in One Thousand Eight Hundred and Eighty-eight;
died in Charleston on the twenty-fifth day of September, One
Thousand Nine Hundred and Forty-two.

George Warwick McClintic was born in Pocahontas County,
West Virginia in One Thousand Eight Hundred and Sixty-six, the

son of William H. and Mary Mathews McClintic. In One Thousand Eight Hundred and Eighty-three he was graduated from Roanoke College with a Degree of A. B. and was granted the Degree of L.B. from the University of Virginia in One Thousand Eight Hundred and Eighty-six. His Alma Mater, Roanoke College, conferred upon him the Degree of Doctor of Laws in One Thousand Nine Hundred and Twenty-eight. He came to Charleston for the practice of his profession in One Thousand Eight Hundred and Eighty-nine and formed a partnership with one of West Virginia's most distinguished lawyers, Wesley Mollahan, and into this organization later came W. Gordon Mathews, recognized as one of the state's most brilliant younger lawyers, the firm being Mollahan, McClintic & Mathews.

George McClintic served as City Attorney of Charleston from One Thousand Nine Hundred and Fifteen to One Thousand Nine Hundred and Seventeen. In One Thousand Nine Hundred and Nineteen he was elected as a Member of the House of Delegates and was the outstanding majority member of that body, not only being chairman of the Judiciary Committee but also serving as Floor Leader. He was serving in that capacity when the Amendment to the Constitution which has given West Virginia its good roads was considered and it was probably the most important measure, the passage of which was largely due to his efforts. He was in the Legislature when he was appointed to the United States District Court for the Southern District of West Virginia by President Harding in One Thousand Nine Hundred and Twenty-one. He continued to serve as Judge of the United States District Court until his retirement in One Thousand Nine Hundred and Forty-one, spending the last year of his life in his home in Charleston.

It was while on the bench as United States District Judge that national attention was focused upon him by reason of his decisions in labor dispute cases, his strict enforcement of the Eighteenth Amendment and the prohibition laws stemming from that amendment, and more particularly his humane enforcement of the probation laws.

George Warwick McClintic was a composite character. The court over which he presided was for him never anything except a place where justice was to be done as he saw it. Of strong convictions, of indomitable courage, his directing mind in the trial of any case carried the procedure in the direction of what he believed

to be the very right of the controversy. Seemingly at times arbitrary, yet there could never be a doubt that underneath any apparent sternness there was always kindness of spirit and his searching desire for justice. The culprit might find fault but the people of the state knew that under George Warwick McClintic the individual always received that administration of justice which was his due. He brought to the bench out of his broad practice a wealth of experience. He succeeded on the bench two great lawyers, Judge Jackson and Judge Keller, and measured fully up to the high standards of the court as set by them.

As a lawyer, George Warwick McClintic represented the highest type of the profession. The same courage which marked his career on the bench was always with him when he was either trying a case or acting as counsellor for some important interest. He knew what intellectual courage meant and when he saw the way clear before him, never hesitated for a moment to follow that path irrespective of opposition. In the olden days when he was at the Bar the lawyers of the state realized that they met in him always an opponent of the strongest arm but at the same time the fairest mind. He carried with him in his practicing days exceptionally broad information as to precedents and was steeped in the reasoning of the common law. He knew intimately the problems of his state. It made little difference whether the question presented involved coal, oil, gas or railroads, he was equally conversant with each, and out of the wealth of his experience always brought helpful advice. It is probable that he was the "last of his race," legally speaking. The land titles of West Virginia he had grown up with. His senior law partner, Wesley Mollohan, before him, was a great "land lawyer" and it was but natural that George McClintic should inherit through every day contact the same extensive familiarity with everything that concerned the trial of land cases and the handling of land matters. An old fashioned ejectment case was for him a great adventure and all of its tedious detail an interesting part of the contest. It was this knowledge, experience and skill which set him apart as a lawyer.

To know this great lawyer and great Judge as a man, as he moved daily in the walks of life, in the city which had seen him first starting when he was a young man and when it was a small town, was an experience; because George McClintic, out of his profession, away from the dignity of the bench, on the banks of a

stream with rod in hand, or in the field, with his friends, or at night sitting at the camp fireside, was, in his gentleness and kindness, one of the most delightful companions the streams and hills of West Virginia ever knew. The thing that was striking was his full knowledge. He knew and loved the wild life, the trees and grasses of his state and was conversant with them as are few men. West Virginia was for him something more than a name. His people had helped make it, he had helped make it, and it was an intimate part of his nature. It is doubtful whether any man in the state had the same full knowledge of the details of the history of West Virginia, whether known as written or *sub rosa*. His memory seemed to be without limit, and it is safe to say that many who read this short sketch will remember how he had listened in familiar conversation to the story of occurrences of the past not written and, with the passing of George McClintic, lost. Politics, legislative history, religious history, social history, family connections, whether in Virginia or in West Virginia, these he knew and loved to discuss and impart to the willing listener. Above all these things and crowning the man's character was his inflexible loyalty. It was seen in his convictions and his beliefs, but was magnificently superb in his unshakeable adherence to the cause of his friends.

His like shall not walk with us again.

HERBERT FITZPATRICK

HARRY SCHERR

J. J. N. QUINLAN

STATE OF WEST VIRGINIA
COUNTY OF CABELL

The foregoing resolution and memorial sketch, duly certified,
for and on behalf of the Cabell County Bar Association.

Given under our hands, this the 10th day of November, 1942.

C. W. STRICKLING,

President

W. KENNON COWDEN, JR.,

Secretary

THE COURT (Judge Watkins): The next memorial will be
presented by the Honorable Julian F. Bouchelle, Judge of the
Circuit Court of Kanawha County.

JUDGE JULIAN F. BOUCHELLE: If your Honors please, what I have to say this afternoon consists of remarks made to the jury panel of the Circuit Court when it assembled on September 28, three days after the death of George W. McClintic. Those remarks were purely extempore. I feel somewhat apologetic for them; they were taken down by the court reporter at the time.

I was struck by the identical phrase used by Judge Moore in his opening remarks this afternoon about Judge McClintic, which I had occasion to use in my remarks to the jury, that he was a good man and a great judge.

*Remarks of Honorable JULIAN F. BOUCHELLE,
Judge of the Thirteenth Judicial Circuit of the State
of West Virginia, to the Jury Panel of Said Court in
Memory of Judge George W. McClintic, on the 28th
Day of September, 1942*

Gentlemen, on the 25th day of September, 1942, this community sustained a distinct loss in the passing of a good man and a great judge by the demise of Judge George W. McClintic. He was my personal friend for many years. When I came here as a young lawyer—and I am sure such was the experience of other young members of the Bar—he went out of his way to be friendly and kind to me, and upon occasions was helpful in advice in professional matters. My acquaintance with him was that of a close personal friend, and that relationship continued throughout the period of the thirty-seven years that I have resided here.

I know that Judge McClintic was known to each of you personally who has lived in this community for any length of time, and known to you as an outstanding citizen and irreproachable public official. He was a man of the highest personal, moral and judicial courage, and unswerving integrity.

Perhaps as much as any person of his generation, he had a most intimate acquaintance with the state's prominent characters, the ones who molded and directed the development of the state, and with the knowledge thus gained, and with his penetrating mind and remarkable memory, he was well versed in the state's history, political, economic and judicial, and upon many occasions spoke upon that subject, always having a most attentive and appreciative audience.

If the full truth was generally known of Judge McClintic's nature, despite the reputation that he gained for harshness in the enforcement of—I was going to say an unpopular law; unpopular to some and popular to others—but a law that certainly was found to be not workable, his acts of kindness and mercy would more than counterbalance that reputation for harshness and sternness. I am advised that upon many occasions he delighted in remitting fines, and that in cases of a first offender of that statute, he was nearly always lenient, eager to help rather than desirous of punishing, and such was true generally of violators of other penal statutes.

Judge McClintic took a peculiar interest in one of our wisest and most humane laws, the one relating to probation and parole. He made an intense study of it and frequently spoke upon it. I think it may be said that in the State of West Virginia at least, both in his own court and as reflected in similar laws in the state courts, he was the father of probation and parole. He believed in it. He made it workable, gave example of such fact to other courts in which such law exists.

There was an instance of an English judge who, when approached by the King, after other judges had abjectly yielded to the King's demand to recognize certain of his prerogatives, was asked by the King the direct question, "Should the King's personal prerogatives conflict with that of the interest of the realm or of the citizen, whether he would not feel it his duty to decide in the King's favor," and this judge straightway replied, "When I am confronted with such an issue, your Majesty, I will do that which a judge should rightly and properly do." I can well imagine Judge McClintic making just such a bold and forthright answer to such a question had he been the judge in question.

I am reminded, gentlemen, of what was said of a very great judge of this court some fifty years ago, the late George W. Summers, in a resolution adopted by the Bar of the Court: "Resolved, that we heartily unite in the expression of our admiration of the stern impartiality which he has uniformly exhibited in the administration of the law in this circuit, the crowning virtue of judicial character." I think that can well be said of Judge McClintic's record in the high court of justice over which he presided for some twenty years.

In the Biblical tradition it may be truly said of him that he "Heard the causes between his brethren, and judged righteously between every man and his brother, and the stranger that was with

him; that he respected not persons in judgment, but heard the small as well as the great; and that he was not afraid of the face of man."

I had in mind, gentlemen, to adjourn court today out of respect to his memory, but as his funeral ceremonies were conducted yesterday, and knowing him as I did, I am sure that he would say, "Let the work of the court go on and forget me."

THE COURT (Judge Moore): I wish to read a telegram and letter which have been received. The telegram is from the Honorable John J. Parker, Senior Circuit Judge of the Fourth Circuit,

HON HARRY E WATKINS UNITED STATES DISTRICT JUDGE
FEDERAL BLDG CHARLESTON WVIR

JUDGES SOPER DOBIE AND I REGRET THAT WE CANNOT ATTEND MEMORIAL SERVICE IN HONOR OF JUDGE MCCLINTIC THIS AFTERNOON BUT WISH TO PAY TRIBUTE TO HIS HIGH CHARACTER OUTSTANDING ABILITY AND DISTINGUISHED SERVICE AS A JUDGE

JOHN J. PARKER SENIOR CIRCUIT JUDGE.

JUDGE MOORE: The letter is from Armistead M. Dobie personally, and reads as follows:

Charlottesville, Virginia
November 11, 1942

Honorable Ben Moore,
United States District Judge,
Charleston, West Virginia.

Dear Judge:

I have just received an invitation, in the name of Judge Watkins and yourself, to attend the memorial exercises to be held in honor of Judge McClintic in Charleston on November 12. As I am leaving for Baltimore to attend a session of our Court, this morning, it will be impossible for me to accept this invitation.

For Judge McClintic, I entertained feelings of affection and esteem, and I hope you will convey to the meeting my regrets that I shall not be able to attend the exercises and pay tribute to our old friend and colleague.

Sincerely yours,

ARMISTEAD M. DOBIE.

THE COURT (Judge Watkins): If there are any friends here today who have anything they wish to add to what has already been said, you will now be given an opportunity to speak.

Remarks of

ROBERT S. SPILMAN, Esq.

May it please your Honors, at the suggestion of Judge Moore a number of lawyers in the Southern District were notified of this occasion and invited to be here. Some are here and others have expressed their regret at not being able to attend. Among these is George Richardson, Jr., of Bluefield, from whom I have a letter saying that if any record is made of this memorial he would like on his own behalf and that of the Bluefield Bar to add a brief tribute.

Running through all the memorials of Judge McClintic that have been presented here are two things that those who in days to come shall read aright that characteristic portrait, presented here today, will see in it. One is great courage. No man had more either on the bench or off it, as witness his conduct of what were known as the Red Jacket cases, back in the turbulent days of the "armed march." Appeals from preliminary orders made by Judge McClintic from time to time went to the Circuit Court of Appeals three or four times. The trial of the main issues before him lasted for weeks and there was hardly a day during that period that the Judge did not receive letters threatening not only himself but members of his family. Never once was he swayed from taking such action as he thought was right. Now this takes courage of a high order, both judicial and personal, and it is merely one instance of many that could be cited occurring during his twenty years on the bench. You may recall that Judge McClintic's final decrees enjoining the Miners' Union from attacking and interfering with non-union workmen put

an end to the reign of anarchy then existing in the coal fields of southern West Virginia and brought a lasting industrial peace. His decrees in these cases, which were bitterly attacked by politicians and certain labor leaders both in and out of Congress, were affirmed by the Circuit Court of Appeals and impliedly approved by the Supreme Court of the United States, which refused to review the memorable opinion of the Circuit Court. Judge McClintic's fearless conduct of these cases was of inestimable service to his State.

His other outstanding quality, less apparent on the surface but equally characteristic, was a great tenderness and sympathy for the misfortunes of others, particularly those whom he regarded as more sinned against than sinning, due to the understanding heart he had. As has been said here today he was the proponent, the father, of the probation system, the system of release upon parole rather than imprisonment. During his career upon the bench I understand there were some five thousand cases in which he granted probation. It is rare that in one man you see two traits that stand at opposite extremes of human character—unflinching courage and a warm tenderness—so blended as they were in Judge McClintic. As illustrating the latter, an incident comes to mind that may be of interest to his friends here. Some of the memorials which have been read have referred to his love of the out-of-doors, particularly of Pocahontas County where he was born and bred. He was a confirmed camper, and many years ago during the trout season Judge McClintic's party was camped at the forks of Cranberry River in Pocahontas County, an inaccessible spot upon a turbulent stream. He had gone down the river fishing and a short time before dark as he was coming up he passed an abandoned camp where those who had used it had left a hound, then in the last stages of starvation,—a hound they had brought there probably for the purpose of chasing the King's deer, which had strayed off or was purposely left behind. At any rate the dog was so weak he couldn't stand. There was no pathway up Cranberry to the McClintic camp. The river was the only route and it was three miles up stream. It was about as much as a man could do usually to wade that three miles carrying nothing heavier than a trout rod, but the Judge picked up that starved hound in his arms, carried him the whole distance and kept him until he broke camp. He took him back to his farm at Swago and as it turned out got a fine dog that was famous in that country for many years. The incident is merely an illustration of a

characteristic trait that made it, as his Clerk has said, almost impossible for him to sentence a woman to prison where it meant taking her away from a home where she was needed, no matter how guilty she was.

On the bench, upon the civil side, I believe if you were going to try to designate one guiding principle that ran through Judge McClintic's decisions and opinions, it would be that he recognized the rights of private property honestly acquired and properly exercised, and he protected and enforced such rights at times and under circumstances when there was clamor and pressure to the contrary. He belonged to the school of lawyers who believed that property as well as liberty is in many instances protected by the same constitutional provisions and that you cannot ignore the one without impairing the other.

The memorials that have been presented here so fully cover his career that there is little to add to what has been said,—beyond the observation that those who knew him will never forget him. There was that in the rugged character of the man to make him one of the men that will never be forgotten by those who knew him at the bar, upon the bench or in more personal relations, while memory lasts. To those who in years to come shall practice in this Court his portrait will recall a fearless and learned Judge whose loss the bench and bar of this Court today deplore.

THE COURT (Judge Watkins): The Reporter will make a transcript of the minutes of this session of court, and they will become a permanent part of our records. Mr. Reporter, you will see that the Mercer County Bar memorial is also included in the report.

If there is nothing further, Mr. Marshal, you may adjourn court.

(The memorial of the Mercer County Bar Association was later furnished to the reporter. The same is as follows:)

Memorial of
THE MERCER COUNTY BAR ASSOCIATION

Presented by
GEORGE RICHARDSON, JR., President
West Virginia Bar Association

While serving as Judge of The United States District Court for the Southern District of West Virginia, The Honorable George W. McClintic won the abiding respect and love of the Mercer County Bar.

THEREFORE, BE IT RESOLVED that The Mercer County Bar Association record its appreciation of Judge McClintic as a fearless man, a stalwart citizen, a staunch friend, a learned lawyer and a just and distinguished judge whose vigorous personality and firm administration of justice governed always by a penetrating intellect, abhorrence of wrongdoing but withal a broad human sympathy and devotion to duty, served well his state and nation; and

That a copy of the resolution, duly certified by the Secretary of the Association, be sent to his daughter, Miss Elizabeth McClintic, and a copy to the Official Reporter for The District Court of The United States at Charleston.

A true copy of Resolution duly adopted by The Mercer County Bar Association November 27, 1942.

Teste: L. B. SUTHERLAND,
Secretary.

JUDGE BEN MOORE'S MEMORIAL

Presented at the Judicial Conference of the Fourth Circuit,
Asheville, N. C., June 11, 1943.

MEMORIAL TO THE LATE
HON. GEORGE W. McCLINTIC

By Ben Moore, United States District Judge

As the judge who succeeded the Hon. George W. McClintic on the bench of the Southern District of West Virginia, I have been given the privilege of presenting to the Conference a memorial in his honor.

Judge McClintic while living had a definite distaste for empty phrases of eulogy or adulation; and they would be out of place here. Nor are any such needed in order to express the thoughts and feelings of us, his friends, concerning his life and character.

He was a good man; an honest man; a plain man; a fearless man. He hated sham and hypocrisy; he loved justice and fair dealing. He was possessed of the most intense and unswerving convictions on every subject in which he took an interest. He never hesitated for an instant to express his convictions and to act upon them, regardless of whether the expression or the act gained him friends or enemies.

You who were his colleagues in the Fourth Circuit do not need to be reminded of the unflagging interest which Judge McClintic maintained in the meetings of this Conference and in its work. You will remember that at the last meeting of his health permitted him to attend, in June, 1941, he delivered an address on "Fifty Years of the Circuit Court of Appeals," which was a masterpiece of its kind. Not many months after that, he was overtaken by the long and painful illness which resulted in his death, on September 25, 1942, at the age of 76 years.

Judge McClintic possessed a knowledge of the history of his native state and an insight into the character of its people such as few men have. His power of memory were phenomenal. All important happenings, public and private, of his long and eventful life, seemed to be pictured in his mind as if they had occurred but

His likes and dislikes among men, lawyers and judges were definite and pronounced. There were many who thought him harsh and abrupt; and so he was, at times. But his harshness was usually that of the frank, honest man towards those who he felt were dissembling; and his abruptness was that of the plain, blunt man who sometimes loses patience with indirectness and circumlocution.

Unquestionably there was a certain roughness about this man; a certain asperity; an acerbity of temper and demeanor which sometimes had its effect upon proceedings in his court. But these qualities did not penetrate beneath the surface of his personality. Those who knew him best were well aware of his innate kindness and his sympathy for the weak and unfortunate. His character in this respect is best shown by his extensive and wise use of probation. He was one of the first of the District Judges to employ the probation system, and during his twenty years of service he made use of it in literally thousands of cases. The small percentage of violations of probation shown by the court records is evidence of the wisdom with which he exercised his discretionary power.

Without flattery or exaggeration, it can be said that Judge McClintic was a great judge. During his term and in his district, respect for the power, the dignity and the justice of the United States Court was maintained and strengthened. His character, his personality and his official career have left an impress upon the people of the Southern District of West Virginia and upon the judges and lawyers of the Fourth Judicial Circuit which will not soon fade away.



MY FRIEND

GEORGE WILMOTH

BENJAMIN F. POSCOVER
(January 2001)

(January 2001)

GEORGE WILMOTH

How would I describe George Wilmoth? This is an easy question to answer. I would use only one word to describe him. That word would be "Genius". As long as I have known George, he has always had the ability to look at his immediate environment and identify factors that could best benefit him. He would then incorporate them into his life's matrix and use them to great advantage. Yes, "Genius" is the word I would use to describe George Wilmoth.

My first recollection of George is when we attended Durbin Graded School in the same grade. We didn't begin school together but sometime later he moved "off the mountain." and came to DGS. I don't even know how our friendship began only that it did. One of the things we did was to exchange nights. He would sleep at my house and I would sleep at his. I loved this experience. George lived in a magical place. One had to walk about a mile on a road that lead up the side of a mountain to get to his home. Walking the road was an adventure. Grape and bittersweet vines hung from large trees. Red squirrels were plentiful and time and time again George would let me shoot at them with a 22. To my knowledge I never hit one and I don't know why as I was a pretty good shot. At the end of the road, one would break into the open and there was his house. It was a big old Victorian home that was full of wonderment. We used to sit on a sill in front of a bay window and play canasta. We would do this by the hour. I remember how comfortable it was to sit there in the sunlight and to be warmed by its rays. The house had no electricity and in the evenings kerosene lamps gave off a golden glow. George's bed was a marvel. I don't recall it having box springs, but it had a firm mattress that tilted in all directions. Sleep came really easy after a day of adventuring.

The house contained no refrigerator. However, near the house was a well house. It sat over a spring in which his Mother placed rocks strategically in the water. She placed crocks filled with different foods in them. This was his Mother's method of refrigeration. Milk was there and his Mother would skim off the cream leaving what was called "blue john" that was fed to the hogs. Today we call it skim milk.

George always had some amazing thing to show me. Once he built a box trap and caught a chipmunk. He had worked with it and got it to the point where it would take food from his hand. It was a beautiful thing. I had never seen one so close. To show me, George opened the box where he kept it and out it ran. George was telling me how tame it was and how it would run to him. Well it did. It ran to him, past him and to my knowledge is still running. Try as we could we never did catch that squirrel. So much for taming chipmunks, but it was a great experience for me.

Once, I arrived but he wasn't there. But in a short time he came running up to me with the biggest gray squirrel I had ever seen. One shot had brought it down. I have never seen one that large since. His Dad loved to hunt squirrels with an old Kentucky Rifle. I wonder where that old rifle is now. It was a beautiful thing and hard used. I really liked George's Father. He always seemed glad to see me and this was not a universal response from adults in those days. His Mother was the gentlest of women who treated me so good.

The first game I ever shot was with George. I had a 22 rifle and we walked along a road/path along the mountain. A ruffed grouse flushed and I shot. By some miracle I hit it. I have never felt so elated. George ran over the hill and fetched it for me. I remember I had a moment of regret for having killed such a beautiful creature. However this feeling was short lived and I couldn't wait to show my Grandfather what I had done. I had arrived as a hunter and provider for my family. I was supposed to stay the night with George but couldn't. I had to get home and show off my prize. My first stop was at Barber McNeil's who by his own admission was a great hunter. He paid just respect to my prowess as a hunter and to my prize. Unfortunately my Grandfather was not at home so I had a missed opportunity for further praise. I helped my Mother remove the breast from the bird. She told me that this was what one cooked, as there was little to eat on the remainder of the carcass. She cut the breast into strips and pounded each with a tenderizing tool. She then fried it in butter until a golden brown. I remember that even with all of the pounding, it was still tough and had an unusual taste. She explained to me that it was a game taste that one found in wild animals. I kept the tail feathers for years. I don't know what happened to them. I never killed another grouse.

When we hunted, we did a lot of walking and talking. I think we would shape the world. We voted Bunny Turner the prettiest girl in school. Also at school, George's Uncle Kenton became our 8th grade teacher. He was a very handsome man and I loved to see him write on a chalkboard. His penmanship was a thing of beauty. He often would bring in minnie balls that he would pick up after it rained. He lived near the encampment that the Confederates occupied during the Civil War. Some of the balls had screw holes in them. Mr. Wilmoth told us that when it rained the powder in the soldier's rifles would get wet and they had to reload. The soldiers would remove the minnie balls by using a screw on the end of their ramrods and pull the ball from the barrel. He carried a leather strap in his back pocket and wore tennis shoes. He could sneak up on you without anyone hearing and crack you across the behind with that strap. Being wide, it didn't hurt but did make a loud crack so as to get attention. I was the recipient of one of these experiences. I was talking out of turn which was fairly common and the next thing I knew--whack! Everyone laughed but I can tell you that from that time on whenever I talked I was very cautious about Mr. Wilmoth's whereabouts.

There were places on George's hill where one could see the road from Durbin to Frank. We could clearly see cars traveling both ways. George scared the bejesus out of me one day announcing that he was going to shoot one of those cars and BAM off he aims and shoots. I said, "George, are you crazy?" The distance was over a mile but a 22 bullet could carry that far, then BAM he shot again and then he did it a third time. I didn't know what to do. I started yelling, cussing, and crying. George started laughing and laughing. When he settled down and got me settled down he showed me what he was doing. He would swing the gun on the car and when a tree came into his sight he would shoot into the tree. A neat trick not the least bit appreciated by me. George chuckled weeks about this.

George could take the simplest things and turn them into the most interesting events. Once he bought a skeleton key from the five and dime in Elkins. It cost him ten cents. He carried that key to schools for days showing it to me a few glimpses at a time. When I finally got to his home I couldn't wait to see how it worked. He took the key and opened any door that came across his path. That key was a wonder and George sure was a master at using it. I couldn't wait to get my skeleton key. I even dreamed about it and what fun I would have with it. The next time I went to Elkins I ran to the five and dime and bought one. I couldn't wait to get home to use it. Well, I got home and the key wouldn't open anything that I tried. There was no magic in my key. It was just a hunk of metal and I threw it away. I just didn't have the imagination.

George taught me to smoke. I don't mean to smoke tobacco. Considering what we did, smoking tobacco would have been healthier. George knew the Indian way of doing things. We smoked corn silk, bittersweet, and coffee. We would buy a corn cob pipe for a dime and fill it with corn silk. The silk had to be dark brown or else it wouldn't smoke properly. Besides, Gene Autry had a song about smoking corn silk so it had to be o.k. Smoking bittersweet was something else. George, knowing the ways of the woods and of Indians, would find a bittersweet vine, cut it into about six inch lengths split it, and dry it in his mother's oven telling her it was a school project. Then he would sneak it into scout meetings and give us some. Why he didn't sell it I don't know because he could have made a tidy profit. The bittersweet was porous and when one would light the end, one could puff on it like a cigarette. My Mother, wise woman that she was, said that if we were going to smoke we had to do it on our front porch. As I recall, we began with about eight or ten guys puffing on dried bittersweet. Over the days of smoking, one by one the fellows stopped coming to the communal smoke. Bittersweet is a nightshade and nightshades are poisonous, some more so than others. Out tongues and throats ulcified and no matter how manly we looked puffing away, the pain was just too much to take. No one ever complained about this to an adult as no one ever wanted to admit to a parent that they were smoking regardless of what it was. Smoking coffee was the ultimate in sophistication. Coffee was readily available in our kitchens. What took skill was the rolling of the cigarette paper. We could get papers easy enough. We'd give George money and he had the courage to buy them. No one ever asked him what he was going to do with the papers. Had they done so, I suppose he would have said that he was buying them for his Father. One took the cigarette paper and wrapped it around a pencil licking the side where the ends met to keep it from coming apart. Then at the tapered end of the pencil, one would crimp the paper so the coffee wouldn't spill out. This cylinder was then very carefully removed from the pencil by sliding it off. Then one, with great stealth, would secret coffee from their kitchen and carefully fill the cylinder. We would then light it and smoke it like a rolled cigarette. You could always tell if one was smoking coffee, as they had to tilt their head forward while smoking so the coffee wouldn't fall back into their mouth. We tried smoking cigarettes and cigars. I could steal cigarettes from my Dad and cigars from my Granddad but they made us sick. Plus the chance of getting caught was too much as there was no tolerance for smoking cigars and cigarettes.

George always had some enterprise going. He was the best salesman of Cloverene Salve in Durbin and surrounding environs. A can of Cloverene Salve sold for, I think, twenty-five cents. When you bought a can you would also get an 8 x 10-inch religious picture. The salve cured about anything and the pictures were of such quality that many people would put them on the walls of their homes. George also sold a weekly paper called the Pennsylvania Grit. The Pennsylvania Grit was the tabloid of the day. It had great fiction that it passed off as truth earning it the name Pennsylvania Liar. It was great fun to read. Not only was the news interesting but it had the added attraction of an ongoing serial. Usually these were about some stalwart lad rescuing some beautiful maiden from rascally bullies with much daring do. I sold seeds. I was not the best seed salesman and learned early in life that I would never survive as a salesman of anything. I did sell my seeds though, as I only had to make two stops. One was to my Mother who carefully selected several packs to plant in our garden, and the other to my Grandfather who bought the rest. If one sold enough seeds, one could get wonderful prizes. A boy in town sold enough to get a 22 rifle. However, I couldn't wait for my prize and never sold more one consignment at a time. I opted for a Boy Scout hatchet. After the longest time, it came and I split wood for a fair-thee-well. After a time, I noticed that the sharp end of the hatchet had about the same shape as the flat end. Noting that wood split easier if the sharp end was sharp, I took the hatchet to Mr. Eades to sharpen for me. I paid him a quarter and went back to splitting wood. Soon the same condition as before manifested itself so I took it back to Mr. Eades with the complaint that the hatchet was dull. He told me that the hatchet was no good as it had no temper and would never hold an edge. I went home sadden and terminated my career as a seed salesman and wood splitter.

George and I were in the Boy Scouts together. Preacher Carlson was our Scoutmaster. During one experience, we worked together on our Boy Scout Second Class rank. One requirement was that you had to hike a certain distance, build a fire using no more than two matches, and cook a meal for yourself and others. George's brother Paul and Bill Townsend were our evaluators being senior to us in the Troop. We hiked the road to George's home and came out into an open field. We carried tender dry kindling in our packs, as there was no rule against it. I remember the day was cold but clear with a deep blue sky. There was about a foot of snow on the ground. We cleared a place to build our fires. Taking out our kindling and using Scout knives, we shaved a huge pile of shavings. We used farmer matches start our fires. It took both matches for me but George lit his using only one. Soon we had a good blaze going having gathered larger sticks from the woods. We then cut and sharpened sticks on which we skewered bacon strips and cooked them over the fire. We ate the bacon on homemade bread. Nothing ever tasted so good. We passed in grand style.

We moved on to Greenbank High School. We didn't have many classes together as George took vocational courses and I stuck with the regular program. We did have our adventures though. One of the first socials was a dance. My Dad let me drive our car and George went with me. At the dance, Sadie Lambert and a friend asked me to drive them

to her home. Her friend was going to spend the night. I immediately said yes and it was o.k. with George. Sadie lived in Wesley Chapel and it was way back in the country even for our area. On the road to Sadie's I pulled the car over to the side of the road and announced that we were out of gas. George quickly said, "What do you mean out of gas, we almost have a full tank." So much for my first devious attempt at opportunistic romance. I grumped all the way home.

George took a wood shop class and being quick to finish his projects was always on the lookout for new ones. He asked me if I needed anything and I said I would like a gun rack if it weren't too much trouble. He said, "No trouble." and made me a beautiful one. It sure did look great on the wall of my home where it held my lone gun and fishing pole. I placed it next to the mounted deer head that my Granddad gave me. It was a deer that he and I killed, he shot it. One of George's assignments was to design and build something different. We collaborated on this. I drew a sketch of the "George and Ben Pants Hanger". It was constructed so that it hung on any door. It had two dowels close enough together that one could slide a pair of pants between them. The pants hung by their cuffs. It was a great success. George got a good grade and I got the apparatus. I used it for years. I don't know why we didn't have it patented. If we had done so, we could have lived in grand style off the profits.

We continued to hunt together. George knew of a hound dog that was a hunter. He lived with a family who's home was at the intersection of Route 250 and John's Run. The dog's name was Rennie and was owned by two sons who grew up and moved away. Rennie was old but loved to hunt. When we came to get him he flew to the car. We hunted rabbits with him, and he was amazing to watch. He wasn't as fast as he used to be, but he ran the rabbits just right. There was a fairly wide gap between him and the rabbit allowing us to shoot with out fear of hitting him. He would run those rabbits right by us. We kept Ramps Young supplied with rabbits over some period of time. At one hunt, George brought a young dog that he wanted to train by having him hunt with Rennie. According to George, this was some dog. It had a little bit of every hunting breed that lived. However, as we hunted, the dog continued to be a disappointment to George showing no aptitude what so ever in hunting rabbits. At one juncture of the hunt, Rennie ran a rabbit into a rail pile. George told me to hold Rennie as he was going to remove the rails and give his dog a chance at the rabbit. He said that this would be a great lesson. He removed the rails and exposed the rabbit that had its head hidden and did not move. I suppose in rabbit psychology that if your head is hidden then you're hidden. The rabbit was frozen. George did all kinds of coaxing to get his dog to go after the rabbit. He yelled, cussed, and cajoled. Finally, he grabbed the dog's collar and drug it over to the rabbit. When he let go, the dog ran off. In exasperation, George finally grabbed his dog and threw it at the rabbit. As fate would have it, the dog's trajectory was perfect and it hit right on top of the rabbit. The rabbit jumped up and started running and the dog jumped up and started running. But somehow the dog was ahead of the rabbit and it look like the rabbit was chasing it. George was so angry and frustrated that it was all I could

do to keep him from shooting the dog. From that time on Rennie's, George's, and my hunting was not interrupted with frivolous tasks.

One day we attended a lecture by a trapper. He was an expert at trapping fox and regaled us with tales of his experiences and how he made lots of money selling their pelts. As part of his program, he gave instructions on how to treat our traps so they would have no human odor, which is very big when one is trying to fool the wily fox. What one was supposed to do was to get all kinds of plants that gave off an odor such as Sassafras and Black Cherry. These were cut into small pieces, added to a pot, and cooked into a plant stew in which one would place their traps. This process would remove human smell. The weekend after the lecture, I visited George and he was really down. He had bought himself some leg-hold traps and was curing them in the same pot in which his Mother made her lye soap. It was a beautiful plan but when the curing was finished, the traps couldn't be set. It seemed that George missed one important piece of information during the lecture that of adding water to the pot. Thus he baked his traps and in the process they lost their temper. George was so discouraged that the plan of making money by trapping foxes was never again mentioned.

However, George wasn't down for long. He turned to another enterprise to earn money and with this one he was superb. It was butchering. George was a butcher of hogs and was so successful at this that it cut into our hunting time. In fact, the only way we could go is if I would help him and he could finish early. I had absolutely no skill at this. However I was strong and could do bull work like helping to position the hog for various processes. One of these was to lower the hog into a tub of boiling water to scald it. We would then pull the hog out. The scalding enabled us to remove the hair from its skin. This was probably one of the worse jobs anyone ever got into, however I was desperate. It was accomplished by grabbing the hair with both hands and giving a pull. George being the head and only butcher would sharpen his knives during this process. He did offer curt and critical comments from time to time. He probably thought we appreciated his insight about our endeavor. When the hog was hairless, George would complete the process by passing one of his very sharp knives over the skin in some way that would polish it and make it shine. I had to admit that he had the touch and watching him work one could understand why he was in such great demand. I tell you that over the years I pulled a lot of hog hair.

The last time I remember hunting with George was when I just got my new shotgun. I saved and bought a Sear's bolt action sixteen gage shot gun. I think it cost me the grand sum of twenty-five dollars. I couldn't wait to give it a try. I called up George and we went squirrel hunting. The way to hunt squirrel is to walk into a woods in which you saw squirrel "sign". Sign is a lot of chewed nuts. One would then sit quietly and wait out the squirrels. If patient enough, squirrels would move and this would be their undoing. We were sitting under a large tree when I sighted a squirrel stretched quietly along a limb. I raised my gun and shot. The squirrel jumped and started running and I

shot again and again and again and then again. It took five shots for me to get that squirrel. I thought I did pretty well but George was really disgusted with me at wasting all those shells to get one squirrel. At thirty-five cents a shell, he didn't think the economics were worth it. George was a one shot one squirrel man. We never hunted together again.

George and I not only hunted but fished together as well. Once when staying with him, he took me to the Greenbrier River below his home. He told me to help him build a dam like obstruction in the river Indian style. We built an obstacle across the river with rocks but left a small opening in the center. George would position himself at the opening with a net and I would tromp through the pool. I would scare the fish down stream and into his waiting net. These fish were suckers and in the early spring, their flesh was firm. George said that they were very tasty but I wouldn't eat one of those ugly things. In fact, at that time I wouldn't eat any fish. What George liked best was to remove the roe from the fish and have his Mother scramble them with eggs. He really smacked his lips as he ate this delicacy. Ugh!

One day George came and got me and said he was going to show me where to catch a trout. Trout were the top of our wish list for fishing. We were chub fishermen supreme but trout was king. He took me to a small stream near the West End Bridge in Durbin. It cascaded down the mountain and into the Greenbrier River. I had walked by it hundreds of times and never thought anything about it especially as a potential trout stream. He said that this is where he caught a trout and wanted me to try. He had some worms and threw one into a pool at the base of a small, beautiful falls. Immediately he had a strike and hauled out a female brook trout. He handed me the fishing pole and thus encouraged I cast into the pool and BAM, I had a hit. I hauled out a beautiful male brook trout. We placed those fish side by side along side that stream and that sight stays with me to this day.

We had other fishing adventures but one that vividly comes to mind was the time we fished Laurel Fork. We had to drive some distance to near the Pendleton County Line where we got onto a dirt road and drove to its end. George's brother Paul drove the car. We then had to walk about a mile along a small stream to the larger Laurel Fork where we fished. This place was supposed to be a haven for rattlesnakes so we were very cautious where we walked and placed our hands. A beautiful pool was formed where the small stream emptied into Laurel Fork. It was like something one might see in a fishing magazine. I liked to fish with dry flies and had spent my last bit of money, as usual, on some flies from L. L. Bean. I did this every spring. They were perfectly tied. I attached a Royal Coachman to my leader and cast it into the pool. Without hesitation, a giant brook trout took my fly. Around and around we went. George yelling instructions at me and me trying to stay even with the fish. We had no net never dreaming that we would catch a fish of a size that we couldn't yank out onto the bank as was our usual style. This was one big fish and I didn't think that the strategy of yanking would work but I had no choice. So I gave a mighty heave, out came the trout, and out came the fly. The fish was off. I

thought I had lost it. It was trying its best to flop back into the pool. About that time George let out a mighty whoop and launched himself into the air diving right on the trout. It never had a chance. George sacrificed his body on my behalf and his action saved the day. He gave me the best memory of any trout I have ever caught.

We graduated from high school and George entered the Navy. I would see him on occasion when he was home on leave and I was home from school. He continued his interest in hunting but it is difficult to hunt on a Navy ship so he took up shooting skeet. He told me that they would shoot off the fantail of the ship. The Navy furnished the shotgun and ammunition that was plentiful and free. Not only was he the best shot on the ship but was champion of the Navy fleet to which his ship belonged. Not surprising, he was the best field shot I have ever seen.

Upon getting his discharge from the Navy, he trained and became an Air Traffic Controller. I wondered if this was an extension of some training that he had in the Navy. Once I asked him this and he said, "no". To me, it seemed an odd occupation to come to without some guidance. Growing up, the only time we were around any aircraft was when one flew over Durbin, then we would all run out of our houses to look at it. However, George had a cousin, John Townsend, who served as an Air Traffic Controller with the Army Air Corp in India and was a great storyteller. He may have provided some motivation. John had one of the most beautiful singing and speaking voices I have ever heard. George's speaking voice is similar to his. I don't know about his singing voice as I don't recall ever hearing George sing.

George retired from being an Air Traffic Controller and returned home full time. He reached into his old high school training and became a professional welder. His specialty was heavy equipment. This was a second career for him. He continued with it until an old injury prevented him from wrestling around the heavy equipment on which he worked. What did he do next? He became a repairer and maker of jewelry. Still using this same skill but in a different way. I suppose he still does this.

We didn't see each other for some time. Then one day a letter came announcing that our high school class was having a reunion. It was to be held at the Durbin Methodist Church. The event was one of the greatest experiences in my life. I again saw people with whom I was so close in high school, people that I thought I would never see again. To say we had changed a bit might be an understatement. The only person who still looked like her high school picture was Nancy Harris. I didn't even recognize an old fantasy of mine. Who welcomed us at the beginning of the meal and served as Master-of-Ceremonies, no one other than George. He had organized the affair, got a committee together, contacted us all, designed the program, and with his Mother's help set up the place and the meal. In all aspects, he was terrific. He has served in this same capacity over the years. The last time was this summer when we held our 50th high school reunion. It was a very special time for all of us and George was at his best.

He lives in Leesburg, Virginia with his wife Colleen. His children and grandchildren also live in the area. His sons have their own businesses and George helps

out from time to time. In addition, he harvests deer helping farmers to rid their farms of nuisance deer. He then gives the venison to people who need low cholesterol foods. He also fishes for smallmouth bass catching forty to fifty at an outing. When things get slow, he tools around in his airplane instructing novices how to fly and carrying out CAP and Angel missions. It seems to me that he has created a paradise for himself, and who is more deserving.

I have great affection for George. He has been a major factor in my life. I still remember that we are blood brothers. Early on in our relationship, we stuck our thumbs with our Boy Scout knives and mixed our blood Indian style. I am always glad to see him and to be in his company. I like nothing better than listening to his vision of the world and talking over old times.

If someone would ask me, "What about George Wilmoth?", I would respond without hesitation, "Thank God for George Wilmoth!"

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1/20/01